

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA)	No. CR 11-0162 (WHA)
)	
v.)	STIPULATION AND PROPOSED
)	ORDER EXCLUDING TIME UNDER
SAMSUNG SDI COMPANY, LTD.,)	THE SPEEDY TRIAL ACT
)	
Defendant.)	
)	
)	
)	
)	
)	

STIPULATION

On May 10, 2011, counsel for defendant Samsung SDI Company, Ltd. (“SDI”) and counsel for the Government appeared before Judge William H. Alsup for a status hearing. After colloquy with the Court, SDI requested time to decide whether to set the case for trial or plead guilty. At the request of the parties, the Court set a hearing date of May 17, 2011 at 2 p.m. for a status hearing. Counsel for SDI and the Government hereby stipulate to an exclusion of time under the Speedy Trial Act, from May 10, 2011 to May 17, 2011 for the reasons set forth in the below order.

DATED: May 12, 2011

_____/s/_____
 GARY HALLING
 JAMES McGINNIS
 Attorney for Defendants SAMSUNG SDI
 COMPANY, LTD.

DATED: May 12, 2011

_____/s/_____
 LIDIA MAHER
 MAY LEE HEYE
 TAI S. MILDER
 Trial Attorneys
 U.S. Department of Justice

ORDER

The Court hereby orders the exclusion of time under the Speedy Trial Act from May 10, 2011 to May 17, 2011 based on the following reasons: SDI and the Government have stipulated to an exclusion of time because of “delay resulting from consideration by the court of a proposed plea agreement to be entered into by the defendant and the attorney for the Government.” See 18 U.S.C. § 3161(h)(1)(G). In addition, the failure to grant such a continuance would deny counsel for the defendant and the attorneys for the Government the reasonable time necessary for effective preparation. See 18 U.S.C. § 3161(h)(7)(A) and (B)(ii) and B(iv).

The Court finds that the exclusion of time is appropriate because of the Court's consideration of a proposed plea agreement and that the failure to grant the requested continuance would unreasonably deny counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice would be served by excluding the proposed time period under the Speedy Trial Act. These ends outweigh the best interests of the public and the defendants in a speedy trial. See 18 U.S.C. § 3161(h)(7)(A).

For the reasons stated, the Court finds that the time period from May 10, 2011 to May 17, 2011 should be excluded from the calculation of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A).

IT IS SO ORDERED

Dated: May 13, 2011.

By:



THE HONORABLE WILLIAM H. ALSUP
United States District Judge